REMARKS

Restriction requirement

According to the Examiner, the present application contains claims directed to three distinct groups of the claimed invention a first invention described in claims 21-22, 24-26 and 28-33, a second invention described in claims 34-39, and a third invention described in claim 40.

As required under 35 USC § 121, Applicants elect the first invention, i.e. claims 21-22, 24-26 and 28-33 without traverse.

In view of the Examiner's statement that inventions one, two, and three contain embodiments that are patentably distinct from one another, the Applicants expects the Examiner to use a consistent test with respect to what matters are obvious and what matters are unobvious throughout the prosecution of this application.

The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 50-0922. In particular, if this preliminary amendment is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-0922.

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office via EFS, on

> November 28, 2007 (Date of Transmission)

Deanna Fintz

(Name of Person Transmitting)

November 28, 2007

(Date)

Respectfully submitted,

Tomas Lendvai, Ph. D.
Reg. No. 57,488
Second Sight Medical Products,Inc.

12744 San Fernando Road Building 3 Sylmar, CA 91342

(818) 833-5072 voice (818) 833-5080 facsimile